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October 11, 2023

VIA ECF

The Honorable Barbara C. Moses, U.S.M.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Perez Farias v. Rainbow Cleaning Service, LLC et al*
Case No.: 1:23-cv-03751-PAE-BCM

Dear Honorable Magistrate Judge Moses:

This law firm represents Plaintiff Yuri Perez Farias (the “Plaintiff”) in the above-referenced matter.

This letter respectfully serves to respond to Your Honor’s September 27, 2023 Order [Dckt. No. 15]. This letter further serves to request an extension of time to serve individual defendants Andrii Gurskyi and Irina Shebshenko (together, the “Individual Defendants”) from October 20, 2023 to, through and including November 20, 2023.

By way of background, the instant action was filed on April 12, 2023. [Dckt. No. 1]. Pursuant to Fed.R.Civ.P. 4(m), Defendants were to be served on or before July 11, 2023. On or around October 3, 2023, Your Honor granted an extension of time to serve the Individual Defendants to, through and including, October 20, 2023.

Corporate defendant, Rainbow Cleaning Service, LLC (the “Corporate Defendant”) was served on April 21, 2023. [See Dckt. No. 9].

On or around April 24, 2023, Plaintiff’s process servers unsuccessfully attempted to serve the Individual Defendants at the address located at 435 West 47th St., New York, New York 10036. Service was unsuccessful, because the address listed in the Summons was **453 West 47th St.**, New York, New York 10036. Plaintiff’s process servers were subsequently advised to re-attempt service at the correct address.

On or around October 11, 2023, Plaintiff’s process servers advised the undersigned service was not able to be accomplished at 453 West 47th St., New York, New York 10036¹, because this address is currently doing business as a florist shop, and not Defendants’ cleaners.

According to representations made by Individual Defendant Irina Shebshenko during a phone call on October 10, 2023, and again on October 11, 2023, Defendants purportedly maintain an office address at 445 Park Ave. New York, NY 10022. However, Ms. Shebshenko also

¹ According to the representations on Defendant’s website (<https://rainbowcleaning.services/>), Defendants purport to do business at 453 West 47th St., New York, New York 10036.

represented that Defendants maintain a regular course of business remotely, *i.e.*, via email at support@rainbow-nyc.com.

Plaintiff intends to serve the Individual Defendants at the purported office address, at 455 Park Ave. In the event that service is unsuccessful, Plaintiff intends to seek leave to serve the Individual Defendants via email. *See Marvici v. Roche Facilities Maint. LLC*, 2021 WL 5323748, at *3 (S.D.N.Y. 2021) (citation omitted).

In light of the foregoing, it is respectfully requested that the Court grant a *nunc pro tunc* enlargement of time to accomplish service on the Individual Defendants, to, through and including November 20, 2023.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

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